

Exhibit A

BakerHostetler

Baker&Hostetler LLP

Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5403

T 202.861.1500
F 202.861.1783
www.bakerlaw.com

February 12, 2018

Andrew M. Grossman
direct dial: 202.861.1697
agrossman@bakerlaw.com

VIA ELECTRONIC MAIL (FOIARequests@uspto.gov)

USPTO FOIA Officer
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear FOIA Officer:

I represent Gilbert P. Hyatt, as attested by the attached letter of consent, and make the following requests on his behalf. Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Privacy Act, 5 U.S.C. § 552a, please provide me with the following records:

1. All records from Art Unit 2615 concerning Mr. Hyatt or his patent applications, excluding records contained in the file histories of Mr. Hyatt's patent applications and excluding records already produced to Mr. Hyatt in litigation. This request includes without limitation all responsive records from any instant messaging, text messaging, or similar communications system used, with or without PTO authorization, by Art Unit 2615 personnel. This request seeks responsive records created or obtained from January 1, 2012, to the present.

2. All records from the Office of Patent Legal Administration ("OPLA") concerning Mr. Hyatt or his patent applications, excluding records contained in the file histories of Mr. Hyatt's patent applications and excluding records already produced to Mr. Hyatt in litigation. This request includes without limitation all responsive records created, obtained, or maintained by the following OPLA personnel: Robert Spar, Kenneth Schor, Hiram Bernstein, Gerald Dost, Karin Ferriter, Fred Silverberg, Anthony Caputa, and Nancy Le. This request seeks all responsive records, without time limitation.

3. All records from the Office of Under Secretary and Director, and any predecessor office, concerning Mr. Hyatt or his patent applications, excluding records contained in the file histories of Mr. Hyatt's patent applications and excluding records already produced to Mr. Hyatt in litigation. This request includes without limitation all responsive records from the PTO's Management Council. This request seeks all responsive records, without time limitation.

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

USPTO FOIA Officer

February 12, 2018

Page 2

4. All records from the Office of the Commissioner for Patents, and any predecessor office, concerning Mr. Hyatt or his patent applications, excluding records contained in the file histories of Mr. Hyatt's patent applications and excluding records already produced to Mr. Hyatt in litigation. This request includes without limitation all responsive records from the Office of the Deputy Commissioner for Patent Operations, Office of the Deputy Commissioner for Patent Examination Policy, Office of Petitions, Office of Patent Administration, and Office of the Deputy Commissioner for Patent Quality, as well as any predecessors to those offices. This request does not include records maintained only by PTO Technology Centers or Art Units, or by predecessors of those entities or by personnel of those entities or predecessor entities. This request seeks all responsive records, without time limitation.

5. All records from the Office of the General Counsel, and any predecessor office, concerning Mr. Hyatt or his patent applications, excluding records contained in the file histories of Mr. Hyatt's patent applications and excluding records already produced to Mr. Hyatt in litigation. This request includes without limitation all responsive records from the Office of the Solicitor and any predecessor office. This request seeks all responsive records, without time limitation.

6. All records from the Patent Trial and Appeal Board and the Board of Patent Appeals and Interferences concerning Mr. Hyatt or his patent applications, excluding records contained in the file histories of Mr. Hyatt's patent applications and excluding records already produced to Mr. Hyatt in litigation. This request seeks all responsive records, without time limitation.

7. All records from the Office of Government Affairs, and any predecessor office, concerning Mr. Hyatt or his patent applications, excluding records contained in the file histories of Mr. Hyatt's patent applications and excluding records already produced to Mr. Hyatt in litigation. This request seeks all responsive records, without time limitation.

8. To the extent that they are not encompassed by the previous requests, all records created, obtained, or maintained by any of the following PTO personnel concerning Mr. Hyatt or his patent applications, excluding records contained in the file histories of Mr. Hyatt's patent applications and excluding records already produced to Mr. Hyatt in litigation:

- 1) Michelle Lee,
- 2) David Kappos,
- 3) Teresa Stanek Rea,
- 4) Jon Dudas,
- 5) James Rogan,
- 6) Q. Todd Dickinson,
- 7) Robert Stoll,
- 8) Margaret "Peggy" Focarino,
- 9) Drew Hirshfeld,
- 10) Lawrence Goffney,
- 11) Edward Kazenske,

USPTO FOIA Officer

February 12, 2018

Page 3

- 12) Esther Kepplinger,
- 13) Bruce Lehman,
- 14) Michael Razavi,
- 15) Stephen Kunin,
- 16) Robert Bahr,
- 17) Derris Banks,
- 18) Diego Gutierrez,
- 19) Tariq Hafiz,
- 20) John LeGuyader,
- 21) Andrew Faile,
- 22) Karna Cooper,
- 23) Leslie Fansler,
- 24) Thomas Lee,
- 25) Terrell Fears,
- 26) Robert Pascal,
- 27) Rolf Hille,
- 28) Gerald Goldberg,
- 29) Vincent Trans,
- 30) Daniel Swerdlow,
- 31) Richard Hjerpe,
- 32) Nicholas Godici,
- 33) John Doll,
- 34) Andrew Christensen,
- 35) Jose Cuso,
- 36) Leo Boudreau,
- 37) Brian Werner,
- 38) Parshotam Lall,
- 39) David Knepper,
- 40) Joseph Mancuso,
- 41) James Dwyer,
- 42) Wellington Chin,
- 43) Daniel Hunter,
- 44) Xiao Wu,
- 45) Joseph Rolla,
- 46) Samir Ahmed,
- 47) Vu Le,
- 48) Vikkram Bali,
- 49) Allen MacDonald,
- 50) Pinchus Laufer,
- 51) John Lane,
- 52) Eileen Lillis,
- 53) William Grant,
- 54) Reginald Bragdon,
- 55) Jeffery Brier,

USPTO FOIA Officer

February 12, 2018

Page 4

- 56) Robert Harrell,
- 57) Elizabeth Rosen,
- 58) Cindy Khuu,
- 59) Ponnoreay Pich,
- 60) Ram Kackar,
- 61) Giovanna Colan,
- 62) Michael Rutland Wallis,
- 63) Kee Tung,
- 64) Nishant Divecha,
- 65) George Neurauter,
- 66) David Welch,
- 67) Matthew David,
- 68) Michael Roswell,
- 69) Philip Lee, and
- 70) John Lee.

This request seeks all responsive records, without time limitation.

* * *

Relevant search terms for all of these requests include: “Gilbert P. Hyatt”, “Gilbert Hyatt”, “Hyatt”, “Gil”, possessive forms of the preceding terms, “Bulk Filer”, “Bulk Filers”, “Submarine”, “Submariner”, “Submariners”, “2615”, and “Team Exam Six”.

Requests Include Records of Personnel: Each request for records from a PTO office or other organizational unit includes without limitation responsive records created, obtained, or maintained by personnel of that office or unit.

Identifying Records Responsive to Request 1: Because Art Unit 2615 is in large part devoted to processing Mr. Hyatt’s patent applications, many records responsive to Request 1 (i.e., that concern Mr. Hyatt or his patent applications) will not refer directly to Mr. Hyatt using the search terms identified above or any other ascertainable set of search terms. Accordingly, keyword searching will be inadequate to identify records responsive to Request 1. To reasonably identify responsive records for that Request, a FOIA Officer should directly review records created, obtained, or maintained by Art Unit 2615. To provide the greatest likelihood of identifying responsive records, this review should begin with records created, obtained, or maintained by the head of Art Unit 2615, Gregory Morse.

Rolling Production: I request rolling production of responsive documents. In other words, please produce responsive records in batches, as they are identified.

Index of Withheld Records: In the interests of efficiency and furthering the purposes of the Freedom of Information Act and Privacy Act, I request that you maintain and produce, on a

USPTO FOIA Officer

February 12, 2018

Page 5

rolling basis, an index that identifies any records withheld, in whole or in part, and the statutory basis of the withholding.

Items Determined Not To Be Agency Records: I request that you identify to me any otherwise responsive records withheld on the basis that they are not agency records.

Preservation Requirement: Pursuant to 37 C.F.R. § 102.3(d), the PTO “shall preserve...copies of all requested records” and “shall not dispose of records while they are the subject of a pending request, appeal, or lawsuit under FOIA.” 37 C.F.R. § 102.3(d).

Thank you.

Sincerely,



Andrew M. Grossman
Counsel to Gilbert P. Hyatt

Attachment

February 7, 2018

Gilbert P. Hyatt
P.O. Box 81230
Law Vegas, NV 89180

Dear U.S. Patent and Trademark Office FOIA Officer:

I have authorized Andrew M. Grossman, of the law firm Baker & Hostetler LLP, to request and obtain on my behalf any and all U.S. Patent and Trademark Office records pertaining to me through the Freedom of Information Act and the Privacy Act. Accordingly, I consent to disclosure of any and all such records to Mr. Grossman.

Sincerely,

A handwritten signature in cursive script that reads "Gilbert P. Hyatt". The signature is written in black ink and is positioned above the printed name.

Gilbert P. Hyatt